



PTO/SB/17 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 970.00

## Complete if Known

Application Number	Unassigned
Filing Date	June 25, 2001
First Named Inventor	Donovan
Examiner Name	Unassigned
Group Art Unit	Unassigned
Attorney Docket No.	RIC-99-027D1

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **50-0566**  
Deposit Account Name **Jones, Day, Reavis & Poque**

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	710
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$710.00

### 2. EXTRA CLAIM FEES

Total Claims **12** -20\*\* = **0** X **18** = **0**  
Independent Claims **6** -3\*\* = **3** X **80** = **240**  
Multiple Dependent  =

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$240.00

\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

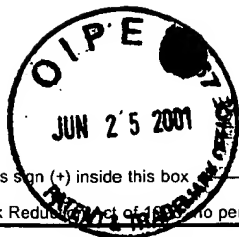
SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type)	<b>Rudolph J. Buchel, Jr.</b>	Registration No. (Attorney/Agent)	<b>43,448</b>	Telephone	<b>214-969-2990</b>
Signature	<i>Rudolph J. Buchel, Jr.</i>	Date	<b>June 25, 2001</b>		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Please type a plus sign (+) inside this box

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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	RIC-99-027D1
First Inventor	Donovan
Title	Customer Resources Policy Control for IP Traffic Delivery
Express Mail Label No.	ET555404697US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Specification [Total Pages **47**]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **13**]
- Oath or Declaration [Total Pages **3**]
  - ☐ Newly executed (original or copy)
  - ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - ☐ Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - ☐ CD-ROM or CD-R (2 copies); or
    - ☐ paper
  - ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: **09/416,101**  
Prior application information: Examiner **B. Pham** Group Art Unit: **2664**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label **005369** or ☐ Correspondence address below  
(Insert Customer No. or Attach bar code label, if any)

Name	Rudolph J. Buchel, Jr.			
	Jones, Day, Reavis & Pogue			
Address	2727 N. Harwood Street, P. O. Box 660623 (75266-0623)			
City	Dallas	State	Texas	Zip Code 75201
Country	USA	Telephone	214-969-2990	Fax 214-969-5100

Name (Print/Type)	Rudolph J. Buchel, Jr.	Registration No. (Attorney/Agent)	43,448
Signature		Date	June 25, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Docket No. RIC-99-00001-DIV1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JUN 29 2001

Technology Center 2600

In re prior application of:

Donovan

Application Serial No.

09/416,101

Filing Date:

October 12, 1999

For: **CUSTOMER RESOURCES POLICY CONTROL FOR IP TRAFFIC DELIVERY**

Group No.: 2664 06/28/2001 TGEDAMU1 00000002 09416101

Examiner: B. Pham  
01 FC:131 710.00 OP  
02 FC:102 80.00 OP  
03 FC:103 180.00 OP

Note: "In addition to identifying the application number of the prior application, applicant should furnish in the request for an application under this paragraph the following information relating to the prior application to the best of his or her ability: (i) Title of invention; (ii) Name of applicant(s); and (iii) Correspondence address." 37 C.F.R. § 1.53(d)(8).

Box CPA  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**CONTINUED PROSECUTION APPLICATION (CPA)**  
(37 C.F.R. § 1.53(d))

Note: A continued prosecution application can only be used to file a divisional or continuation of a prior non-provisional application and can NOT be used to file a continuation-in-part application 37 C.F.R. § 1.53(d)(1).

**WARNING:** While facsimile transmission can be used to obtain a date of transmission for this correspondence, the date on the certificate of transmission (§ 1.8(a)) of an application under § 1.53(d) (CPA) is not controlling (or even relevant), in that a CPA filed by facsimile transmission will not be accorded a filing date as of the date on the certificate of transmission (§ 1.8(a)) unless Office records indicate or applicant otherwise establishes pursuant to § 1.6(f), receipt in the Office of the complete application under § 1.53(d) on the date on the certificate of transmission, and that date is not a Saturday, Sunday, or federal holiday. 37 C.F.R. § 1.8(b)(3) and 62 FR 53131, 53133, October 10, 1997. Requests for a continued prosecution application filed by facsimile transmission should be clearly marked "Box CPA". 37 C.F.R. § 1.53(d)(9).

**Certification Under 37 C.F.R. §§ 1.8(a) and 1.10**

(With Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

☒ deposited with the United States Postal Service in an envelope addressed to Box CPA, Assistant Commissioner for Patents, Washington, D.C. 20231

☐ 37 C.F.R. § 1.8(a)  
with sufficient postage as First Class mail.

☒ 37 C.F.R. § 1.10  
as "Express Mail Post Office to Addressee"  
Mailing Label No.: **ET555404697US**

Date: June 25, 2001

*Marsha S. Kappus*  
MARSHA S. KAPPUS

Before using the CPA procedure note that a CPA application (§ 1.53(d)) cannot be amended to delete the specific reference to a prior application (e.g., for patent term purposes), as well as the specific reference to any application to which the prior application contains a specific reference under 35 USC 120, 121, and 365(c) and the expiration date under 35 USC 154(b)(2) of any

DL-1182182v1

**Match & Return**

**WARNING:** *A continued prosecution application "is a request to expressly abandon the prior application" as of its filing date. 37 C.F.R. § 1.53(d)(2)(v).*

**WARNING:** *While the filing of a continued prosecution application is the specific reference required by 35 U.S.C. § 120 to every application assigned the application number, identified in such request, no amendment in the application may delete the specific reference to any prior application (e.g., for patent term purposes). 37 C.F.R. § 1.53(d)(7).*

**WARNING:** *A request for an application under § 1.53(d) (CPA) cannot be submitted within papers filed for another purpose (e.g., the filing of a "conditional" request for a continued prosecution application within an amendment after final for the prior application). A "conditional request for a CPA submitted (as a separate paper) with an amendment after final will be treated as an unconditional request for a CPA. This will result (§1.53(d)(2)(v)) in the abandonment of such prior) application, and (if so instructed in the request for CPA, the amendment after final in the prior application will be treated as a preliminary amendment in the CPA. 62 FR 53131, 53140, October 10, 1997.*

**NOTE:** *"The filing date of a continued prosecution application is the date on which a request on a separate paper for an application...is filed. 37 C.F.R. § 1.53(d)(2)(emphasis added).*

1. This is a request for the filing of a

- ☐ continuation  
☒ divisional

continued prosecution application under 37 C.F.R. § 1.53(d) of the above-identified prior non-provisional application.

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including the specification, drawings, and oath or declaration from the prior application, to constitute this new application, and that the application number of the above-identified prior application be assigned for identification purposes. 37 C.F.R. § 1.53(d)(2)(iv).

It is also requested that the above-identified prior application be expressly abandoned as of the filing date accorded this continued prosecution application. 37 C.F.R. § 1.53(d)(2)(v).

2. With respect to the above-identified prior non-provisional application, this continued prosecution application is being filed:

- A. ☒ before the earliest of the:
- ☒ termination of the proceedings on the prior application (37 C.F.R. § 1.53(d)(1)(ii)(C))
  - ☐ payment of the issue fee on the prior application (37 C.F.R. § 1.53(d)(1)(ii)(A))
  - ☐ abandonment of the prior application (37 C.F.R. § 1.53(d)(1)(ii)(B))

OR

- B. ☐ after the payment of the issue fee -- but a petition under § 1.313(b)(5) has been granted in the prior application. 37 C.F.R. § 1.53(d)(1)(ii)(A).

C. The term for response or taking action in the prior application expired on **May 21, 2001.**

- ☒ An extension of time in the prior application is one (1) month.
- ☐ filed concurrently in the prior application
- ☐ has been filed on

3. It is noted that:

☐ This application discloses and claims only subject matter disclosed in the prior application. 37 C.F.R. § 1.53(d)(2)(ii).

☐ Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122, to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning, either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. 37 C.F.R. § 1.53(d)(6).

☐ Filing of this request is the specific reference required by 35 U.S.C. § 120 to every application assigned the application number identified in this request. No amendment in this application may delete this specific reference to any prior application. 37 C.F.R. §§ 1.53(d)(7) and 1.78(a)(2).

4. This continued prosecution application names as inventors:

☒ the same inventors named in the prior application on the date this continued prosecution application under 37 C.F.R. § 1.53(d)(2)(iii) is being filed.

☐ fewer than all the inventors named in the prior application. 37 C.F.R. § 1.53(d)(4).

*NOTE: A CPA application may be filed by fewer than all the inventors named in the prior application, provided the request for an application under 37 C.F.R. § 1.53(d), when filed, is accompanied by a statement requesting deletion of the name(s) of the person(s) who are not the inventors of the invention being claimed in the new application. 37 C.F.R. § 1.53(d)(4).*

☐ Please delete the following name(s) as inventor(s), who are not inventor(s) of the invention being claimed in this new application:

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*NOTE: "No person may be named as an inventor in an application filed under this paragraph who was not named as an inventor in the prior application on the date the application under this paragraph was filed, except by way of a petition under § 1.48." 37 C.F.R. § 1.53(d)(4).*

*NOTE: A request for an application under § 1.53(d) purporting to name as an inventor a person not named as an inventor in the prior application (even if accompanied by a new declaration/oath under § 1.63 listing that person as an inventor) will be treated as naming the same inventors named in the prior application (§ 1.53(d)(2)(iii)). 62 FR 53131, 53141, October 10, 1997.*

☐ Please add the following name(s) as inventor(s):

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☐ A petition under § 1.48 is attached.

5. Attached hereto is an amendment to the prior application as it existed prior to the filing of this continuation prosecution application.

*NOTE: "Any new change must be made in the form of an amendment to the prior application as it existed prior to the filing of an application under this paragraph. No amendment in an application under this paragraph (a continued prosecution application) may introduce new matter or matter that would have been new matter in the prior application. Any new specification filed with the request for an application under this paragraph will not be considered part of the original application papers, but will be treated as a substitute specification in accordance with § 1.125." 37 C.F.R. § 1.53(d)(5).*

*WARNING: An amendment after final filed and refused entry in the prior application will not be automatically entered in the CPA and specific instructions to enter amendment(s) refused entry in the prior application must be filed. A&A 64, "Changes in Patent Practice and Procedure", effective December 1, 1997, supplemented up to February 1, 1998.*

## 6. Fee Calculation

**NOTE:** "(3) The filing fee for a continued prosecution application filed under this paragraph is:

(i) The basic filing fee as set forth in 1.16; and

(ii) Any additional 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under § 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."

37 C.F.R. § 1.53(d)(3)(i) and (ii).

A. ☒ Regular application

### CLAIMS AS FILED

	Number Filed	Extra Claims	Rate	Basic Fee 37 C.F.R. §1.16(a)
				\$710.00
<b>Total Claims</b> (37 C.F.R. §1.16(c))	30 - 20=	10	x \$18.00	\$180.00
<b>Independent Claims</b> (37 C.F.R. §1.16(b))	4- 3=	1	x \$80.00	\$ 80.00
<b>Multiple Dependent Claims</b> if any (37 C.F.R. §1.16(d))				0

- ☐ Amendment canceling extra claims is enclosed.  
☐ Amendment deleting multiple-dependencies is enclosed.  
☐ Fee for extra claims is not being paid at this time.

**Note:** If the fees for extra claims are not paid upon filing, they must be paid or the claims canceled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. § 1.16(d).

**Filing Fee Calculation:** \$970.00

B. ☐ Design application  
(\$310.00 - 37 C.F.R. § 1.16(f))

**Filing Fee Calculation:** \$

C. ☐ Plant application  
(\$480.00 - 37 C.F.R. § 1.16(g))

**Filing Fee Calculation:** \$

## 7. Small Entity Statement(s)

**WARNING:** Small entity status must not be established unless the person(s) signing the statement can unequivocally make the required self-certification. M.P.E.P. § 509.03, 6th ed., rev. 2, July 1996. (emphasis added).

☐ Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is (are) attached.

**WARNING:** "...Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. The refiling of an application under § 1.53 as a continuation, division, or continuation-in-part (including a continued prosecution application under § 1.53(d)), or the filing of a reissue application requires a new determination as to continued entitlement to small entity status for the continuing or reissue application. A non-provisional application claiming benefit under 35 U.S.C. §§ 119(e), 120, 121, or 365(c) of a prior application, or a reissue application may rely on a statement filed in the prior application or in the patent if the non-provisional application or the reissue application includes a reference to the statement in the prior application or in the patent or includes a copy of the statement in the prior application or in the patent if status as a small entity is still proper and desired. The payments of the small entity basis statutory filing fee will be treated as such a reference." 37 C.F.R. § 1.28(a)(2). (emphasis added).

**WARNING:** "Small entity status must not be established when the person or persons signing the statement can unequivocally make the required self-certification." M.P.E.P. § 509.03, 7th ed. (emphasis added).

(complete the following, if applicable)

☐ Status as a small entity was claimed in prior application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ from which benefit is being claimed for this application under:

35 U.S.C. § ☐ 41(a) and (b) 120, ☐ 121, ☐ 375(c),

and which status as a small entity is still proper and desired.

☐ a copy of the statement in the prior application is included

**Filing fee Calculation (50% of A, B, or C above)**

**NOTE:** Any excess of the full fee paid will be refunded if a small entity statement and a refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under § 1.136. 37 C.F.R. § 1.28(a).

**8. Fee Payment Being Made at this Time**

☐ Not Enclosed

☐ No filing fee is to be paid at this time  
(This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.)

☒ Enclosed

☒ Filing fee **\$970.00**

☐ Recording assignment  
(\$40.00; 37 C.F.R. § 1.21(h))  
(See attached "COVER SHEET FOR ASSIGNMENT  
ACCOMPANYING NEW APPLICATION") \$

☐ Petition fee for filing by other than all the  
inventors or person or behalf of the inventor  
where inventor refused to sign or cannot be reached  
(\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i)) \$

**Total fees enclosed \$970.00**

**9. Method of Payment of Fees**

☒ Check in the amount of **\$970.00**.

☐ Charge Account No. 50-0566 in the amount of \$\_\_\_\_\_. A duplicate of this transmittal is attached.

**10. Authorization to Charge Additional Fees**

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-0566.

**WARNING:** If no fees are to be paid on filing, the following items should not be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

☐ 37 C.F.R. § 1.16(a), (f), or (g) filing fees)

☐ 37 C.F.R. § 1.16(b), (c), and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid on these claims canceled by amendment prior to the expiration of the time period set for response by the P.T.O. in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the P.T.O. to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))
- ☐ 37 C.F.R. § 1.17 (application processing fees)

**WARNING:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

- ☐ 37 C.F.R. § 1.17 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the Notice of Allowance. 37 C.F.R. § 1.311(b).

**NOTE:** 37 C.F.R. § 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . issue fee." From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

## 11. Instructions as to Overpayment

**NOTE:** "Amounts of twenty-five dollars (\$25.00) or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars (\$25.00) may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☒ Credit Account No. 50-0566
- ☐ Refund

Date: June 22, 2001

Rudolph J. Buchel, Jr., No. 43,448

JONES, DAY, REAVIS & POGUE  
P. O. Box 660623  
Dallas, TX 75266-0623  
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